

APPEAL NO. 031127
FILED JUNE 12, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 3, 2002. The hearing officer determined that the appellant (claimant) sustained a compensable injury on _____, but did not have disability. In Texas Workers' Compensation Commission Appeal No. 030086, decided February 24, 2003, we reversed and remanded the hearing officer's disability determination "to make specific findings or explain the rationale why the claimant, who was on light duty with restrictions, did not have disability after his employment was terminated." On remand, the hearing officer again determined that the claimant did not have disability from the compensable injury and provided additional rationale in support of the decision.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not have disability from the compensable injury. This was a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer believed that the claimant was capable of full-duty employment and that his lost wages were the result of his termination for cause. In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The true corporate name of the insurance carrier is **NORTHERN INSURANCE COMPANY OF NEW YORK** and the name and address of its registered agent for service of process is

**GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge